



San Diego City Attorney **MICHAEL J. AGUIRRE**

NEWS RELEASE

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FEDERAL COURT NARROWS POLICE OFFICERS' ASSOCIATION PENSION LAWSUIT AGAINST THE CITY, CITY ATTORNEY, AND OTHER CITY OFFICIALS

CLAIM TO HAVE AGUIRRE REMOVED FROM OFFICE DENIED

San Diego, CA: A federal court has dismissed numerous claims contained in a lawsuit filed by the San Diego Police Officers' Association (POA) against city officials which alleged those officials eliminated or reduced retirement benefits and failed to fund the retirement fund. The court also rejected a claim that City Attorney Michael Aguirre be removed from office.

"There will be more trial motions filed to dismiss the lawsuit in its entirety because it is without merit," said Executive Assistant City Attorney Don McGrath.

In a 29 page ruling, dated November 1, 2005, Federal District Court Judge Marilyn Huff denied the POA's claims against Aguirre for breach of fiduciary duty, breach of trust, and conversion because the police officers had not provided any legal support that there was a fiduciary relationship between the city attorney and the POA.

In dismissing the cause of action seeking to remove Aguirre from Office, the court found that the complaint "fails to allege a violation of public policy" under the law.

Judge Huff also dismissed a claim of fraud against Aguirre "because there was no specific reference to Aguirre in the facts supporting the fraud cause of action."

The POA pension lawsuit was filed on August 9, 2005. A trial date is set for November 2006.

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